



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU ANNOUNCES COMPLIANCE DATES FOR RULES ADOPTED IN THE *2022 MTE ORDER*

GN Docket No. 17-142

By this Public Notice, the Wireline Competition Bureau (Bureau) announces compliance dates for certain requirements adopted in the *2022 Multiple Tenant Environments (MTE) Order*: the prohibition on enforcement of existing exclusive and graduated revenue sharing agreements and the disclosure of new existing exclusive marketing arrangements.¹ Compliance with the Commission's prohibition on enforcing these existing revenue sharing agreements is required by September 26, 2022. Compliance with the Commission's disclosure rules for new exclusive marketing arrangements is required immediately; compliance with its disclosure rules for existing exclusive marketing arrangements is required by September 26, 2022.

In the *2022 MTE Order*, the Commission adopted rules prohibiting providers from entering into or enforcing exclusive and graduated revenue sharing agreements with MTE owners.² The Commission stated that the rules regarding entering into new revenue sharing agreements would become effective 30 days after the *2022 MTE Order*'s publication in the Federal Register;³ accordingly compliance would be required on that date. While the rules regarding existing revenue sharing agreements became effective on that same date, the Commission delayed the compliance date for these agreements to 180 days after publication in the Federal Register, to allow time for providers to conduct contract renegotiations, and directed the Wireline Competition Bureau to release a Public Notice announcing the delayed compliance date.⁴ Because these rules were published in the Federal Register on April 27, 2022,⁵ new exclusive and graduated revenue sharing agreements were required to be in compliance as of April 27, 2022, and compliance regarding existing agreements is required by September 26, 2022.

In the *2022 MTE Order*, the Commission also adopted rules requiring providers to disclose the existence of exclusive marketing arrangements in MTEs.⁶ These rules required approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA). The Commission stated that these rules would become effective 30 days after the *2022 MTE Order*'s publication in the Federal Register, and delayed compliance as follows: For new contracts, compliance would be required

¹ *Improving Competitive Broadband Access to Multiple Tenant Environments*, GN Docket No. 17-142, Report and Order and Declaratory Ruling, FCC 22-12 (rel. Feb. 15, 2022) (*2022 MTE Order*).

² *Id.* at Appx. A, §§ 64.2500(c)(2)(ii), 76.2000(b)(2)(ii), 76.2000(c)(2).

³ *Id.* at 30, para. 68.

⁴ *Id.* at 16, 30, paras. 32, 68.

⁵ Federal Communications Commission, *Improving Competitive Broadband Access to Multiple Tenant Environments*, 87 Fed. Reg. 17181 (Apr. 27, 2022).

⁶ *2022 MTE Order* at Appx. A, §§ 64.2500(e), 76.2000(d).

after OMB completed its review pursuant to the PRA;⁷ for existing contracts, compliance would be required on the later of (1) 180 days after publication of the *2022 MTE Order* in the Federal Register or (2) OMB completing its review of the new requirements pursuant to the PRA.⁸ The Commission directed the Bureau to revise the rules to reflect these compliance dates once they were established.⁹

The information collection was submitted to OMB for review under the PRA and was approved on July 25, 2022.¹⁰ On August 22, 2022, the Federal Register published a notice announcing OMB's approval and revising the rules to reflect the appropriate compliance dates.¹¹ For new contracts with exclusive marketing arrangements, compliance is required immediately. For existing contracts, because OMB completed its review prior to 180 days after publication of the *2022 MTE Order* in the Federal Register, compliance is required by that date: September 26, 2022.

For additional information regarding this matter, contact Jesse Goodwin, Wireline Competition Division, Wireline Competition Bureau, (202) 418-0958, or email Benjamin.Goodwin@fcc.gov.

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⁷ *Id.* at 30, para. 68.

⁸ *Id.* at 21, 30, paras. 41, 68.

⁹ *Id.* at 30, para. 68.

¹⁰ See Notice of Office of Management and Budget Action for OMB Control No. 3060-1305 (approved July 25, 2022), https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202205-3060-016.

¹¹ Federal Communications Commission, Improving Competitive Broadband Access to Multiple Tenant Environments, 87 Fed. Reg. 51267 (Aug. 22, 2022).